

Cody J. Wisniewski*
**Pro Hac Vice* application forthcoming
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF SYRACUSE, NY; CITY OF SAN JOSE, CA; CITY OF CHICAGO, IL; CITY OF COLUMBIA, SC; EVERYTOWN FOR GUN SAFETY ACTION FUND; and EVERYTOWN FOR GUN SAFETY SUPPORT FUND,

Petitioners,

v.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; REGINA LOMBARDO, in her official capacity as Acting Deputy Director of Bureau of Alcohol, Tobacco Firearms and Explosives; UNITED STATES DEPARTMENT OF JUSTICE; and WILLIAM BARR, in his official capacity as ATTORNEY GENERAL, U.S. Department of Justice,

Defendants,

and

ZACHARY FORT; FREDERICK BARTON; BLACKHAWK MANUFACTURING GROUP, INC.; and FIREARMS POLICY COALITION, INC.,

Applicants in Intervention.

1:20-cv-06885-GHW

**DECLARATION OF
ZACHARY FORT**

I, Zachary Fort, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct to the best of my knowledge:

1. I am over 18 years of age, competent to testify, and have personal knowledge of the matters stated herein.

2. I am an individual residing in the state of New Mexico. I am a law-abiding citizen who owns and possesses constitutionally protected arms for the lawful purpose, *inter alia*, of self-defense. I am not prohibited from purchasing firearms by any federal or state law.

3. I am a member of Firearms Policy Coalition, Inc.

4. I have purchased a Non-Firearm Object without need for a Federal Firearms Licensee. I did not undergo a federal background check as part of my purchase. I have individually manufactured a Non-Firearm Object into a firearm for personal use, using my own knowledge and expertise.

5. I will continue to purchase Non-Firearm Objects in the future, should the practice remain legal and as long as I can continue to do so without involvement of a Federal Firearms Licensee or need for a federal background check. I will also continue to individually manufacture those Non-Firearm Objects into firearms for personal use, using my own knowledge and expertise.

6. I have a legal right to be able to purchase Non-Firearm Objects, manufacturing jigs, and other firearm manufacturing tools.

7. I have been and continue to be affected by legislation and regulations that impact my individual right to keep and bear arms, including the Petitioners' attempt to force the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") to prohibit, or further regulate, Non-Firearm Objects.

8. I will be directly and negatively impacted should the Court hold in Petitioners' favor. Depending on the extent of the Court's ruling and the ATF's decision, I could be exposed to criminal liability based for continuing my previously legal activities, could be forced to disclose the existence of certain constitutionally protected property to the federal government, and would be prohibited from engaging in otherwise lawful and constitutionally protected activities, including but not limited to the purchase of Non-Firearm Objects without involvement of a Federal Firearms Licensee or need for a federal background check.

9. If the ATF's determination that Non-Firearm Objects do not constitute "firearms" under the definition established in the Gun Control Act of 1968 is upheld, I may continue to rely on longstanding agency precedent and may continue to purchase Non-Firearm Objects without involvement of a Federal Firearms Licensee or need for a federal background check.

10. My interests are not adequately represented by any parties present in the suit due to my specific interest in protecting and advancing my individual right to purchase and possess Non-Firearm Objects and individually manufacture those items into personal use firearms. The ATF sets and defends policy for the entire nation and must consider certain strategic decisions for the administration. The ATF does not specifically advocate for my interests as an individual purchaser of Non-Firearm Objects and I will present distinct and important arguments to this Court.

DATED this 10 th day of November, 2020.



Zachary Fort